

STATE OF TEXAS §
COUNTIES OF ARANSAS §
SAN PATRICIO AND NUECES §
CITY OF ARANSAS PASS §

On this the 4th day of September, 2007 the City Council of the City of Aransas Pass convened in a Regular Council Meeting being open to the Public at the regular meeting place thereof in the City Hall and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum.

PRESENT: Tommy Knight, Mayor
Jay Attaway, Mayor Pro Tempore
Vickie Abrego, Council Member
Karen Mayer, Council Member
Frank Hametner, Council Member

ABSENT:

ADMINISTRATIVE
PERSONNEL PRESENT: Tom Ginter, City Manager
Allen Lawrence, City Attorney
Yvonne Stonebraker, Administrative Assistant

ADMINISTRATIVE
PERSONNEL ABSENT: Ada Owens, City Secretary

STAFF PRESENT: Sandy Roddel, Finance Director
Don Brummett, Acting Public Works Director
Darrell Jones, Police Chief
Frank Truitt, City Inspector

OTHERS PRESENT: Ralph & Lu Arcemont, Rosemary Vega, Jeannie Brummett, Steve Hale,
Jim & Alpha Covington, Mike & Gwen Sullinger, Gary Reed Belinda Ritz

ITEM 1. CALL MEETING TO ORDER.

Mayor Knight called the meeting to order at 7:00 p.m. on September 4, 2007.

ITEM 2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG.

Council Member Abrego gave the invocation. Mayor Knight led the pledge of allegiance to the United States flag.

ITEM 3. PRESENTATION TO MIKE SULLINGER.

Mayor Knight presented Mr. Sullinger with an inscribed clock in appreciation for his service to the City as Judge and City Manager.

ITEM 4. CONSENT AGENDA: *"All of the following items on the Consent Agenda are considered to be routine by the City Council and will be enacted with one motion. There will be no separate discussion of these items unless a Councilmember so requests. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately."*

A. Approval of Minutes of August 20 and August 29, 2007.

- B. Consider and Act on Ordinance 2007-3922 Authorizing the Issuance of "City of Aransas Pass, Texas Tax Notes, Series 2007", Levying an annual ad valorem tax, within the limitations prescribed by law, for the payment of the notes; Prescribing the form, terms, conditions, and Resolving other matters incident and related to the issuance, sale, and delivery of the notes; Authorizing the execution of a paying agent/registrar agreement and a purchase and investment letter; Complying with the requirements of the depository trust company's letter of representations; and Providing an effective date. *(second reading)*

Council Member Mayer made the motion to approve the consent agenda with one correction to the August 29, 2007 minutes. Council Member Hametner seconded the motion and the motion carried.

ITEM 5. PUBLIC HEARING ON PROPOSED PROPERTY TAX RATE FOR FISCAL YEAR 2007-2008.

City Attorney Allen Lawrence declared the Public Hearing open at 7:05 p.m. for the purpose of discussing the proposed tax rate for fiscal year 2007-2008.

City Manager Tom Ginter stated this was the second public hearing on the proposed tax rate. He stated the effective tax rate was \$0.53, the rollback tax rate was \$0.61, and the proposed tax rate was \$0.58.

Ms. Debra Keller stated the M&O tax was not going up, but the debt service tax was going up by a significant amount and assumed it was because of the \$6M that was issued for the (purchase of) harbor land. She stated the citizens that were going to pay for that (\$6M debt) should have the right to vote on whether they want their taxes increased for that debt. She stated values had increased from \$380M to \$492M in two years. She stated the City has the tax collection rate at 93%, when, historically, the tax collection rate had been 95% actual (collection rate) and suggests that the City keep the (tax) rate as close to actual (percentage) as possible because, if not, the City would be collecting more (money) than it needs and taxing the taxpayers more than needed.

Council Member Hametner stated he was a member of the Council and represented his constituents and all the people in Aransas Pass, that decisions made by the Council were well thought-out and discussed, and the City collected tax to operate and improve the City.

Mr. Gary Reed stated he would like the increase in taxes to produce better services. He stated the City needed a long range plan. His taxes had increased \$100 per month and although he was not 65 years old, he was glad the Council passed the Over-65 Tax Freeze. He asked that the Council keep citizens informed as to when they could expect a return on the investment (harbor property bought from GLO).

Mayor Knight asked Mr. Sullinger when he was City Manager, what was the best offer he received for the sale of the LWR property?

Mr. Sullinger stated between \$6M and \$7M.

Mayor Knight stated his plan was to clean up the LWR property, have W. L. Bates Company market the property worldwide, and sell it for \$10M to \$12M. He stated \$6M had been offered for the LWR property.

The City Attorney asked if there was anyone else to be heard, seeing none he closed the meeting at 7:17 p.m.

ITEM 6. CONSIDER AND ACT ON APPROVAL OF CHAMBER OF COMMERCE CONTRACT.

The City Manager stated 70% of the Hotel/Motel tax collected would go to Chamber of Commerce with the conditions that the Chamber would provide their budget to the City to be approved by the City Council in advance of funds being released to the Chamber. The Chamber will furnish a quarterly report of expenditures made to the Council. The Hotel/Motel funds must be separated from other funds raised by the Chamber. Day-to-day operation cost is limited to 35% of the hotel occupancy receipts and promotion of the arts is limited to 15% of the hotel occupancy receipts and the Chamber will submit a report of annual activities to the Council.

Council Member Hametner made the motion to approve the Chamber of Commerce contract. Mayor Pro Tempore Attaway seconded the motion and the motion carried unanimously.

ITEM 7. **CONSIDER AND ACT ON HARBOR FUND BUDGET AMENDMENT.**

The City Manager stated the budget amendment was related to the Harbor clean-up expenses of \$75,000.00.

Mayor Knight asked would the amendment cover the work that was scheduled for September 17?

The City Manager stated the amendment was intended to cover that expense (to remove five boats from the harbor).

Mayor Pro Tempore Attaway made the motion to approve the Harbor Fund budget amendment. Council Member Hametner seconded the motion and the motion carried unanimously.

ITEM 8. **REPORTS FROM CITY MANAGER AND STAFF AND PUBLIC COMMENTS:**

At this time the Mayor, City Council, Staff and Public comments may be given. Reports or updates on any assignments which include but are not limited to grants, building and development, budgets, financial reports and any other projects may be given. No formal action can be taken on any of these items at this time. Comments will be limited to 3 minutes each.

Mayor Knight stated all City employees were doing good, he could see the improvement. He stated the City Manager had everyone working in unison and was doing an excellent job.

Council Member Hametner commended the Acting Public Works Director for working on a holiday.

Council Member Hametner stated the City had the \$6M for payment of the harbor property set aside and had not closed the property with the GLO. He stated the City had been working to fulfill the conditions of the contract with the GLO which included several extensive environmental studies and those studies were almost complete except the LWR property. He stated the City had been working on a master plan for Conn Brown Harbor. He stated when the development of the harbor started the public would have input. Citizens with concerns about the City should come before Council to express those concerns.

The City Manager stated the master plan for the LWR property should be finished this week.

The City Manager stated the City had received \$290,000.00 on the Gillespie Lane grant for water and sewer expansion. He stated the City had hoped to start the project sooner, but because of problems getting materials, the project may not start until January 2008.

The City Manager stated the City would receive money from Texas Department of Transport (TxDOT) for the Harrison Blvd. Palm Project. He stated TxDOT would pay for all the palm trees from the north end of Harrison Blvd. to Goodnight Ave. and then the City would pay for the palm trees from Goodnight Ave. to Commercial St. The project had been set back one year because of the long list of cities receiving the same grant.

Mr. Jim Covington stated all trees presently on the boulevard with a diameter of four inches or more would be left and the smaller trees and shrubs would be removed.

Mr. Steve Hale stated he lived in Oak Harbor and was concerned about suspicious activity in the City and his neighborhood. He stated his neighborhood was interested in a Neighborhood Watch program or something similar.

The City Manager stated he would call Mr. Hale tomorrow to talk about Mr. Hale's concerns and would also talk to the Police Chief.

Mr. Hale asked did the City have a recreation department or was youth sports conducted by anyone and does the City have any liability concerning the sports events taking place or could just anyone set up a sports activity?

City Attorney Allen Lawrence asked Mr. Hale did he mean nonprofit organizations that organize that type of activity (sports)? He stated the City did not have liability for those activities.

The City Manager stated the City did not have an organized recreation department.

Mr. Hale asked if there were questions as to the qualifications of sports organizers, would a person contact the nonprofit organization, not the City.

The City Manager stated yes.

Council Member Abrego stated there has been a need for a recreation department and the City should consider a committee dedicated to promoting the City's parks.

Mr. Gary Reed asked that the City trim the palm trees on Pompano St.

The City Manager stated he would send Public Works to check the palm trees.

ITEM 9. RECESS REGULAR MEETING AND RETIRE TO EXECUTIVE SESSION PURSUANT TO CHAPTER 551 OF TEXAS GOVERNMENT CODE.

Recessed into Executive Session in Municipal Court Room at 7:36 p.m.

A. Section 551.072 Deliberations Regarding Real Estate – Tax Resale Property

ITEM 10. RECONVENE IN REGULAR MEETING AND CONSIDER AND ACT ON FINDINGS OF EXECUTIVE SESSION.

Reconvened into Open Session at 7:55 p.m.

A. Section 551.072 Deliberations Regarding Real Estate – Tax Resale Property

Mayor Pro Tempore Attaway made the motion to authorize the City Manager to negotiate purchase of tax resale properties on behalf of the City. Council Member Abrego seconded the motion and the motion carried unanimously.

ITEM 11. ADJOURNMENT OF MEETING.

Mayor Pro Tempore Attaway made the motion to adjourn the meeting. Council Member Mayer seconded the motion and the motion carried unanimously.

Mayor Knight adjourned the meeting at 7:58 p.m.

Tommy Knight, Mayor

ATTEST:

Ada Owens, City Secretary